

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 24, 26, 28-31, 33-39, and 41-46 are pending in the present application. Claims 25, 27, 32, and 40 are hereby canceled. Claims 24, 26, 28-31, 33-39, and 41-46 have been amended. Claims 24, 28, and 36 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

#### ***Claim for Priority***

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority. In view of the fact that Applicant's claim for foreign priority has been perfected, no additional action is required from Applicant at this time.

#### ***Acknowledgment of Information Disclosure Statement***

The Examiner has acknowledged the Information Disclosure Statement filed on December 30, 2005. A copy of the PTO/SB/08 form has been received from the Examiner acknowledging consideration of all of the references cited therein. No further action is necessary at this time.

#### ***Specification***

The Examiner objected to the specification because, in describing Fig. 2, the 5<sup>th</sup> paragraph of the original specification refers to the "one or more IP (Internet Protocol) connectable base stations (IP-BSs)" by a reference number "102," which is not found in Fig. 2. However, Applicant respectfully refers the Examiner to the Preliminary Amendment filed December 30, 2005, in which the aforementioned paragraph was amended by replacing the incorrect reference number "102" with the correct reference number "112." In view of this amendment, Applicant respectfully requests reconsideration and withdrawal of this objection.

***Rejection Under 35 U.S.C. § 112***

Claims 33-35 and 41-43 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite. Particularly, the Examiner asserts that these claims recite “the controller(s),” even though different “controllers” have been recited in their respective chains of parent claims. Applicant respectfully submits that the claims have been amended above so that claims 33-35 and 41-43 unambiguously indicates which controller is being referred to in each instance of “controller” recited therein. In view of these amendments, the Examiner is respectfully requested to reconsider and withdraw this rejection.

***Prior Art Rejections***

Claims 24, 26, 28, and 36 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,292,667 to Wallentin et al. (hereafter “Wallentin”). Claims 29-31, 33-35, 37-39, and 41-46 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallentin in view of U.S. Patent No. 6,792,278 to Ahmavaara et al. (hereafter “Ahmavaara”). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

**Synopses of Cited References:**

**Wallentin:** Wallentin’s invention is directed to a radio access network portion of a telecommunications network in which one of the radio network controller (RNC) nodes is configured as a paging control node (col. 7, lines 19-23). The purpose of Wallentin’s paging control node is to receive a paging message from a mobile switching center (MSC) and relay it to each of the base stations serving the multicell area specified by the MSC (col. 4, lines 59-65; col. 11, lines 9-26). In order to determine which particular cells are within the specified multicell area, the paging control node consists of a paging table 100 as illustrated in Table I, col. 7 (col. 7, lines 23-27 and 60-67).

**Ahmavaara:** In Ahmavaara, a paging database is created within an RNC of each radio access network in the mobile communications network (col. 2, lines 15-19). Ahmavaara collects data in this paging database regarding existing data connections with mobile stations, along with the subscriber identities assigned to such mobile stations by the various core networks (abstract; col. 2, lines 25-31). According to Ahmavaara, when an MSC from one of the core networks sends a paging request for a particular subscriber identity to the RNC, the RNC uses the paging database to determine whether the corresponding mobile station already has a data connection. If so, the RNC sends to the MSC a response message indicating the location of the mobile station. Ahmavaara's MSC then uses the information in the response message to send a connect request for a new data connection to the mobile station (col. 4, lines 12-41; Figs. 2 and 3).

**Cited References Fail to Teach or Suggest Every Claimed Feature:**

MPEP § 2131 sets forth the following regarding establishing anticipation under § 102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

Furthermore, to establish *prima facie* obviousness of a claimed invention under § 103, all the claim limitations must be taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicant respectfully submits that Wallentin and Ahmavaara, taken separately or in obvious combination, fail to teach or suggest every claimed feature. As such, the rejections under 35 U.S.C. §§ 102 and 103 have been obviated.

Particularly, independent claims 24, 28, and 36 have been amended to recite a radio network controller (RNC) including a first controller which “judg[es] a transmission destination of the paging message by[ ]**determining whether a signal connection exists** between the

mobile communication terminal and the radio access network or the core network,” and “transmit[s ]the paging message **to the transmission destination**” (emphasis added). Wallentin and Ahmavaara fail to teach or suggest the thusly claimed first controller.

In the rejection, the Examiner cites to Wallentin to teach “judging a transmission destination of the paging message” (see Office Action at page 4). However, Wallentin fails to disclose any component of the RNC determining whether a signal connection exists in order to judge the transmission destination, as required by the claims. Instead, Wallentin requires a component of the core network (MSC) to specify the transmission destination, as mentioned in the above synopsis. As such, Wallentin does not teach or suggest the claimed first controller.

Ahmavaara also does not teach or suggest the claimed first controller. Specifically, Ahmavaara fails to disclose an RNC controller which transmits the paging message to the judged transmission destination, as required by the claims. Instead, after judging the mobile communication terminal’s location, Ahmavaara’s invention requires the RNC to send a response message back to the core network (MSC) to allow the MSC to send connect request to the mobile terminal.

Thus, Wallentin and Ahmavaara, taken separately or in obvious combination, fail to teach or suggest the first controller as recited in claims 24, 28, and 36. At least for this reason, Applicant respectfully submits that independent claims 24, 28, and 36 are in condition for allowance. Accordingly, claims 26, 29-31, 33-35, 37-39, and 41-46 are allowable at least by virtue of their dependency on an allowable independent claim. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

***Conclusion***

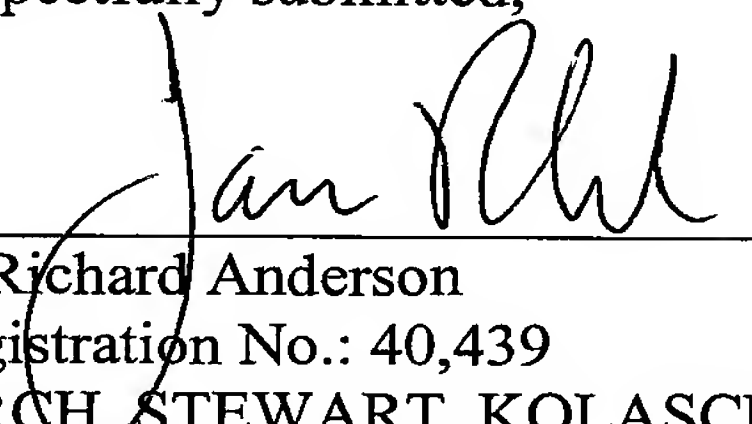
In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 12, 2009

Respectfully submitted,

for By  #47,305  
D. Richard Anderson  
Registration No.: 40,439  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant